

REMARKS

The Examiner's action dated June 6, 2005, has been received, and its contents carefully noted.

In order to more clearly define the contribution of the invention over the prior art, a new independent claim of 49 has been added for the examiner's consideration. Claim 49 defines all of the novel precursor configurations that are also defined in claims 39 and 47 and is broader than those claims in that it omits the description of a particular form of the thermoplastics material section. In this respect, claim 49 corresponds to original claim 18. Claim 49 distinguishes over the prior art in the same manner as claims 39 and 47, as will be explained in detail below.

Each of the independent claims now in the application defines one or several specific forms for a precursor for a hole having a closed periphery. In the explanation of the rejection presented in Section 4 of the action, it is inserted that the plastics material section disclosed by Deimen has mechanically weakened areas forming holes delimited by a contour of closed periphery formed by through openings, and cites column 9, lines 35-40 and element 120 in Figure 2. The cited portion of the reference specification simply identifies elements 120 as knockout

panels that can be removed to allow receptacles 16 to pass through the resulting apertures. To the extent that the knockout panels can be considered to be hole precursors, the reference does not disclose precursors having any of the forms defined in pending independent claims 39, 47 and 49.

In the further explanation of this rejection, it is asserted that Giles discloses a raceway containing perforated through openings on the periphery of the hole, knockout flanges for bolts and cites column 2, lines 33-43. That portion of the reference specification simply mentions that the web maybe cut-out or perforated to form seats for electrical outlets, or for receiving sleeves. However, this passage does not contain any disclosure of any of the precursors defined in independent claims 39, 47 and 49.

Since the references on which the present rejection is based do not disclose any of the hole precursor forms specifically defined in each of the independent claims, the rejection fails to meet a critical criterion for establishing *prima facie* obviousness. Specifically, as clearly stated in the MPEP §2142, 2143 and 2143.03, to establish *prima facie* obviousness of the claimed invention all the claim limitations must be taught or suggested by the prior art. Since this criterion has not been met in the present case, the rejection

does not establish *prima facie* obviousness and must therefore be withdrawn. What is involved here is a clear requirement for valid rejections, and this requirement ought not be ignored.

The rejection is also unsupportable for the following reasons. Each of independent claims 39 and 47 includes a positive recitation of a thermoplastics material section having a U-shaped cross section, wherein the section contains mechanically weakened areas that are hole precursors. In the explanation of the rejection, it is asserted that the claimed section having a U-shaped cross section is disclosed at column 10, lines 1-5 of Deimen. That portion of the Deimen specification contains a description of raceway 136. The explanation of the rejection further asserts that item 120 of Deimen corresponds to the claimed mechanically weakened areas. However, mechanically weakened area 120 shown in Figure 2 of the reference is not formed in raceway 136, shown in Figure 12 of the reference drawing, but rather in panels 106, which do not have a U-shaped cross section.

Thus, the prior art relied upon to support the rejection does not include a section having a U-shaped cross section and containing a succession of mechanically weakened areas. Thus, the rejection is not supported by prior art

disclosing or suggesting a section having a U-shaped cross section and provided with weakened areas.

The following considerations further demonstrate the incorrectness of the prior art rejection.

Deimen discloses a modular power and cable distribution system comprising (see abstract) an elongate member having a top flange which is configured to be mounted to a work surface, a vertical web extending downwardly from the top flange, and a bottom flange which includes a connector configured to detachably support at least one of a trough mounted laterally adjacent to the elongate member, a closure panel (which together with the elongate member defines an enclosed powerway), and a modesty panel depending from the elongate member. More precisely (see figure 1 and corresponding description from line 18 of column 5) there is a raceway 10 fixed to a support 18 and a cable management trough 12 that is hingedly connected to this raceway. When in a lowered position, the trough provides access to receptacles 14 or 16.

The powerway 10 is shown in greater detail in figure 10 where the powerway is comprised of an elongate generally I-shaped beam shaped member 40, which includes an upper mounting

flange 42 for attaching member 40 to a support surface (col 6, l 45-49). Member 40 also includes a vertical web 50 that depends from the flange 42 (see from col 7, l 17) and a lower attachment support flange 52 connected to the lower end of web 50. Flange 52 includes connectors 54 for attaching a cable management trough 12. As shown in figure 11, raceway 10 is provided with removable closure panels 106 on each side thereof to define an enclosed powerway (see col. 8, l. 41-43).

As mentioned by the Examiner, trough 12 and panels 106 may be made of any suitable material, preferably extruded thermoplastics parts (bottom of column 8). As mentioned by the Examiner, these panels 106 are preferably provided with a plurality of knockout panels 120 which can be removed to allow receptacles 16 to pass through the resulting apertures (col 9, l 35-40).

Figure 12 of Deimen shows an arrangement similar to that of Figure 11, with an alternative modesty panel 130 that serves an additional function as a cable raceway 136 having a V-shaped or U-shaped cross-section (paragraph bridging columns 9 and 10).

It thus appears that this reference discloses a raceway depending from an upper support surface 18, with an I-shaped member 40 provided laterally with hinged

trough 12, or provided with depending V-shaped additional raceway 136; there may also be provided lateral removable closure panels 106 in which knockout panels may be provided for allowing receptacles 16 to pass through resulting apertures.

It is clear that receptacles 16 are supported by these removable closure panels so that these receptacles do not help to fix these removable panels to any other component. Furthermore, these removable closure panels are not U-shaped members.

In any case, knockout panels 120 are not provided in the trough or in the depending raceway 136, so that, contrary to the implications contained in the explanation of the rejection, Deimen fails to teach or suggest an electrical wiring trunk with a base and a cover, the base having a U-shaped cross section that comprises a wall with two longitudinal edges and two flanges extending transversely to said wall where each are joined to a respective longitudinal edge, this section having a longitudinal plurality of mechanically weakened areas forming holes. In other words, the unrelated disclosures relied upon to support the rejection do not suggest the combination of features defined in claims 39 and 47.

Further, it is noted that the Examiner acknowledges that Deimen fails to teach that some of the hole precursors are adapted to receive a fixation screw, but considers that it would have been obvious for the man skilled in the art to change the teachings of Deimen in view of Giles and obtain the structure of claims 39 and 47. To the contrary, there is no hint in Deimen for using the knockout panels for securing the removable closure panels to something else with the help of fixation screws; as a matter of fact, there is nothing behind the removable closure panels to receive any fixation screw and, further, any fixation means passing through such removable panel would just fix a this removable panel without fixing any "U-shaped portion", it being noted that trough 130 is not even directly connected to these removable panels.

In summary, it is submitted that Deimen fails to teach or suggest what is found by the Examiner therein and that, further, there would have been no hint for the man skilled in the art to think to use any fixation screws through the removable panels of Deimen. Thus, there was no reason for the man skilled in the art to think to combine Deimen with Giles; further, even when thinking to combine the teachings thereof, one skilled would never have envisioned the combination defined in the independent pending claims.

Claim 43, as well as the claims dependent therefrom, further distinguishes patentably over any proper combination of the teachings of the applied references, by its recitation of an electrical wiring trunking comprising a cover and a base portion, the base portion being constituted by a section as defined in claim 47.

Element 72 of Giles has an I-shaped cross section. While this reference discloses that member 72 may be cut out or perforated, there is absolutely no disclosure anywhere in this reference of the creation of hole precursors, which, by definition, must undergo further material removal to create a hole.

Simply stated, neither of the applied references discloses an electrical wiring trunking composed of a cover and a base portion that has a U-shaped cross section and that is provided with any type of hole precursor as defined in claim 47, from which claim 43 depends.

Claim 45 further distinguishes patentably over the applied references, both in view of its dependency from claim 47 and in view of its positive recitation that at least some of the hole precursors are adapted to receive a fixation screw. Clearly, neither of the applied references discloses an opening of any type for receiving a fixation screw. In the

case of each reference, the cut-outs are provided to simply receive receptacles, and this is quite different from the configuration of a hole that is constructed to receive a fixation screw.

As pointed out previously, the provision of hole precursors to receive fixation screws provides a number of advantages. For example, such a hole precursor facilitates centering of a fixation screw. Moreover, if a particular hole precursor is not to be used to receive a fixation screw, then the part of the base portion containing that precursor will retain a greater degree of rigidity.

In view of the foregoing, it is submitted that all of the claims remaining in the Application now clearly distinguish patentably over the applied references and it is therefore requested that the prior art rejections be reconsidered and withdrawn, that the pending claims be allowed and that the Application be found in allowable condition.

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If the above amendment should now place the application in condition for allowance, the Examiner is invited to call undersigned counsel to resolve any remaining issues.

Respectfully submitted,

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